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A BILL

To amend the Central Intelligence Agency Act of 1949, as amended, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I

SEC. 101. This title may be cited as the "Central Intelligence Agency Act Amendments of 1967".

SEC. 102. The Central Intelligence Agency Act of 1949, 63 Stat. 208, as amended (50 U.S.C. 403 a through j), is further amended as follows:

(a) Section 3 of the Act (50 U.S.C. 403c) is amended by striking subsections (a) and (b) and substituting the following:

"(a) In the performance of its functions, the Agency is authorized to exercise the authorities contained in sections 2301; 2302 (2) and (3); 2303 (b) and (c); 2304 (a), (1), (2), (3), (4), (5), (6), (10), (12), (15), and (17); 2305; 2306; 2307; and 2312 of title 10, United States Code.

"(b) In the exercise of the authorities granted in subsection (a) of this section, the term 'Agency head' shall mean the Director, the Deputy Director, or the Executive Director."

(b) Subsection 3(d) of the Act (50 U.S.C. 403c) is amended by deleting the words "section 2(c) and section 5(a) of the Armed Services

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Procurement Act of 1947" from the first sentence and substituting therefor, "section 2304(a) and section 2307 of title 10, United States Code." Section 3(d) is further amended by deleting the words "section 2(c) by section 4 or by section 5(a) of the Armed Services Procurement Act of 1947" from the second sentence and substituting therefor, "section 2304(a), by section 2306 or by section 2307 of title 10, United States Code.".

SEC. 103. Section 4 of the Central Intelligence Agency Act (50 U.S.C. 403e) is amended by inserting the word and comma "abroad," after the word "assigned" in the first sentence, and by striking the last word of the sentence "shall", and inserting in lieu thereof the word "may".

SEC. 104. Section 4 of the Central Intelligence Agency Act (50 U.S.C. 403e) is amended by adding the following new paragraph:

"(1)(G) pay the travel expenses of officers and employees of the Agency and members of their families, while serving at posts specifically designated by the Director for purposes of this paragraph, for rest and recuperation to other locations abroad having different environmental conditions than those at the post at which such officers

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and employees are serving, provided that such travel expenses shall be limited to the cost for each officer or employee and members of his family of one round trip during any continuous two-year tour unbroken by home leave and two round trips during any continuous three-year tour unbroken by home leave;".

SEC. 105. Section 4 of the Central Intelligence Agency Act (50 U.S.C. 403e) is amended by adding the following new paragraph:

"(1)(H) pay the travel expenses of members of the family accompanying, preceding, or following an officer or employee if, while he is en route to his post of assignment, he is ordered temporarily for orientation and training or is given other temporary duty."

SEC. 106. Section 4(3)(A) of the Central Intelligence Agency Act (50 U.S.C. 403e) is amended to read as follows:

"(3)(A) order to any of the several States of the United States of America (including the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possesion of the United States) on leave of absence authorized in section 6305 of title 5, United States Code, each officer and employee of the Agency who was a resident of the United States (as described above) at the time of employment, upon completion of three years' continuous

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service abroad or as soon as possible thereafter, or may so order after completion of eighteen months' such service without regard to the limitation contained in section 203(f) of the Annual and Sick Leave Act of 1951, as amended.".

SEC. 107. Section 4(5) of the Central Intelligence Agency Act (50 U.S.C. 403e) is amended by striking subsections (A) and (C) and inserting in lieu thereof the following new paragraphs (A) and (C):

"(A) in the event an officer or employee of the Agency, or one of his dependents, requires medical care, for illness or injury not the result of vicious habits, intemperance, or misconduct, while on assignment abroad in a locality where there is no qualified person or facility to provide such care, pay the travel expenses of such officer, employee, or dependent by whatever means deemed appropriate by the Agency, including the furnishing of transportation, and without regard to the Standardized Government Travel Regulations and section 5731 of title 5, United States Code, to the nearest locality where suitable medical care can be obtained and on his recovery pay for the travel expenses of his return to his post of duty. If any such person is too ill to travel unattended, or in the case of a dependent too young to travel alone, the Agency may

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also pay the round-trip travel expenses of an attendant or attendants;"

"(C)(i) in the event of illness or injury requiring hospitalization or similar treatment incurred by an officer or employee of the Agency while on assignment abroad, not the result of vicious habits, intemperance, or misconduct on his part, pay for the cost of treatment of such illness or injury;

"(ii) in the event a dependent of an officer or employee of the Agency who is assigned abroad, incurs an illness or injury while such dependent is located abroad, which requires hospitalization or similar treatment, and which is not the result of vicious habits, intemperance, or misconduct on his part, pay for that portion of the cost of treatment of each such illness or injury that exceeds $35 up to a maximum limitation of one hundred and twenty days of treatment for each such illness or injury, except that such maximum limitation shall not apply whenever the Agency, on the basis of professional medical advice, shall determine that such illness or injury clearly is caused by the fact that such dependent is or has been located abroad;".

SEC. 108. Section 4 of the Central Intelligence Agency Act (50 U.S.C. 403e) is amended by adding the following new paragraph:

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"(8) provide appropriate orientation and language training to members of family of officers and employees of the Agency in anticipation of the assignment abroad of such officers and employees, or while abroad.".

SEC. 109. Section 5 of the Central Intelligence Agency Act (50 U.S.C. 403f) is amended by adding the following new paragraph:

"(f) Appoint advisory committees and employ, notwithstanding any other provisions of law, part-time advisory personnel necessary to carry out the functions of the Agency. Persons holding other offices or positions under the United States for which they receive compensation, while serving as members of such committees, shall receive no additional compensation for such service. Other members of such committees and part-time advisory personnel so employed may serve without compensation or may receive compensation at rates determined by the Director, not to exceed $100 per day, for the assignment or position.".

SEC. 110. Section 5 of the Central Intelligence Agency Act (50 U.S.C. 403f) is amended by adding the following new paragraph:

"(g) Upon the termination of the assignment of an employee appointed from another Government agency without a break in service

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for duty with the Agency for a specific period of time agreed upon by both agencies, such person will be entitled to reemployment in such other Government agency in the position occupied at the time of assignment, or in a position of comparable salary, or, at the volition of the other Government agency, to a position of higher salary. Upon reemployment, the employee shall receive the within-grade salary advancements and other salary adjustments he would have been entitled to receive had he remained in the position in which he was employed prior to assignment to the Agency.".

SEC. 111. Section 5 of the Central Intelligence Agency Act (50 U.S.C. 403f) is amended by adding the following new paragraph:

"(h) Settle and pay, whenever the Director determines that payment will further purposes of this Act, without regard to any other provisions of law and under such regulations as the Director may prescribe, in an amount not exceeding $10,000, any claim against the United States for loss of or damage to real or personal property (including loss of occupancy or use thereof), belonging to, or for personal injury or death of, any person not a citizen or resident of the United States, where such claim arises abroad out of the act or omission of any Agency employee or out of the act or omission of any

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person acting on behalf of the Agency but only if such claim is presented in writing to the Agency activity involved within one year after it accrues.".

TITLE II

SEC. 201. This title may be cited as the "Central Intelligence Agency Retirement Act Amendments of 1967".

SEC. 202. The Central Intelligence Agency Retirement Act of 1964 for Certain Employees (78 Stat. 1043; 50 U.S.C. 403 note) is amended by striking subsection 204 (b)(3) and inserting the following in lieu thereof:

"(3) 'Child', for the purposes of sections 221 and 232 of this Act, means an unmarried child, including (i) an adopted child, and (ii) a stepchild or recognized natural child who lived with the participant in a regular parent-child relationship, under the age of eighteen years, or such unmarried child regardless of age who because of physical or mental disability incurred before age eighteen is incapable of self-support, or such unmarried child between eighteen and twenty-two years of age who is a student regularly pursuing a full-time course of study or training in residence in a high school, trade school, technical or vocational institute, junior college, college,

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university, or comparable recognized educational institution. A child whose twenty-second birthday occurs prior to July 1 or after August 31 of any calendar year, and while he is regularly pursuing such a course of study or training, shall be deemed for the purposes of this paragraph and section 221(e) of this Act to have attained the age of twenty-two on the first day of July following such birthday. A child who is a student shall not be deemed to have ceased to be a student during any interim between school years if the interim does not exceed five months and if he shows to the satisfaction of the Director that he has a bona fide intention of continuing to pursue a course of study or training in the same or different school during the school semester (or other period into which the school year is divided) immediately following the interim. The term 'child', for purposes of section 241, shall include an adopted child and a natural child, but shall not include a stepchild.".

SEC. 203. Section 221(b) of the Central Intelligence Agency Retirement Act (50 U.S.C. 403 note) is amended by deleting the words "or remarriage" from the first sentence, and section 232(b) is amended by deleting the words "or remarriage" from the second sentence.

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SEC. 204. Section 221(e) of the Central Intelligence Agency Retirement Act (50 U.S.C. 403 note) is amended to read as follows:

"(e) The commencing date of an annuity payable to a child under paragraph (c) or (d) of this section, or (c) or (d) of section 232, shall be deemed to be the day after the annuitant or participant dies, with payment beginning on that day or beginning or resuming on the first day of the month in which the child later becomes or again becomes a student as described in section 204(b)(3), provided the lump-sum credit, if paid, is returned to the fund. Such annuity shall terminate on the last day of the month before (1) the child's attaining age eighteen unless he is then a student as described or incapable of self-support, (2) his becoming capable of self-support after attaining age eighteen unless he is then such a student, (3) his attaining age twenty-two if he is then such a student and not incapable of self-support, (4) his ceasing to be such a student after attaining age eighteen unless he is then incapable of self-support, (5) his marriage, or (6) his death, whichever first occurs.".

SEC. 205. Section 221 of the Central Intelligence Agency Retirement Act (50 U.S.C. 403 note) is amended by deleting the last two sentences of subsection (f), and adding the following new

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paragraphs (g) and (h):

"(g) Except as otherwise provided, the annuity of a participant shall commence on the day after separation from the service, or on the day after salary ceases and the participant meets the service and the age or disability requirements for title thereto. The annuity of a participant under section 234 shall commence on the day after the occurrence of the event on which payment thereof is based. An annuity otherwise payable from the fund allowed on or after date of enactment of this provision shall commence on the day after the occurrence of the event on which payment thereof is based.

"(h) An annuity payable from the fund on or after date of enactment of this provision shall terminate (1) in the case of a retired participant, on the day death or any other terminating event occurs, or (2) in the case of a survivor, on the last day of the month before death or any other terminating event occurs.".

SEC. 206. Section 252 of the Central Intelligence Agency Retirement Act (50 U.S.C. 403 note) is amended by deleting subsection (c)(1); renumbering subsections (c)(2) and (c)(3) to read (c)(3) and (c)(4); and inserting the following new subsections (c)(1) and (c)(2):

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"(c)(1) If an officer or employee under some other Government retirement system becomes a participant in the system by direct transfer, the Government's contributions under such retirement system on behalf of the officer or employee shall be transferred to the fund and such officer or employee's total contributions and deposits, including interest accrued thereon, except voluntary contributions, shall be transferred to his credit in the fund effective as of the date such officer or employee becomes a participant in the system. Each such officer or employee shall be deemed to consent to the transfer of such funds and such transfer shall be a complete discharge and acquittance of all claims and demands against the other Government retirement fund on account of service rendered prior to becoming a participant in the system.

"(c)(2) If a participant in the system becomes an employee under another Government retirement system by direct transfer to employment covered by such system, the Government's contributions to the fund on his behalf may be transferred to the fund of the other system and his total contributions and deposits, including interest accrued thereon, except voluntary contributions, may be transferred to his credit in the fund of such other retirement system at the request

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of the officer or employee effective as of the date he becomes eligible to participate in such other retirement system. Each such officer or employee in requesting such transfer shall be deemed to consent to the transfer of such funds and such transfer shall be a complete discharge and acquittance of all claims and demands against the fund on account of service rendered prior to his becoming eligible for participation in such other system.".

SEC. 207. Section 273 of the Central Intelligence Agency Retirement Act (50 U.S.C. 403 note) is amended by deleting subsection (a); renumbering subsection (b) to read (c); and inserting the following new subsections (a) and (b):

"(a) Notwithstanding any other provision of law, any annuitant who has retired under this Act and who is reemployed in the Federal Government service in any appointive position either on a part-time or full-time basis shall be entitled to receive the salary of the position in which he is serving plus so much of his annuity payable under this Act which when combined with such salary does not exceed during any calendar year the basic salary such officer or employee was entitled to receive on the date of his retirement from the Agency. Any such reemployed officer or

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employee who receives salary during any calendar year in excess of the maximum amount which he may be entitled to receive under this paragraph shall be entitled to such salary in lieu of benefits hereunder.

"(b) When any such annuitant is reemployed, he shall notify the Director of Central Intelligence of such reemployment and shall provide all pertinent information relating thereto.".

SEC. 208. Section 291 of the Central Intelligence Agency Retirement Act (50 U.S.C. 403 note) is amended to read as follows:

"SEC. 291. (a) On the basis of determinations made by the Director pertaining to per centum change in the price index, the following adjustments shall be made:

"(1) Effective the first day of the third month which begins after the date of enactment of this amendment each annuity payable from the fund which has a commencing date not later than such effective date shall be increased by (a) the per centum rise in the price index, adjusted to the nearest one-tenth of 1 per centum, determined by the Director on the basis of the annual average price index for calendar year 1962 and the price index for the month latest published on date of enactment of this amendment, plus (b) 1 1/2

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per centum. The month used in determining the increase based on the per centum rise in the price index under this subsection shall be the base month for determining the per centum change in the price index until the next succeeding increase occurs.

"(2) Each month after the first increase under this section, the Director shall determine the per centum change in the price index. Effective the first day of the third month which begins after the price index shall have equaled a rise of at least 3 per centum for three consecutive months over the price index for the base month, each annuity payable from the fund which has a commencing date not later than such effective date shall be increased by the per centum rise in the price index (calculated on the highest level of the price index during the three consecutive months) adjusted to the nearest one-tenth of 1 per centum.

"(b) Eligibility for an annuity increase under this section shall be governed by the commencing date of each annuity payable from the fund as of the effective date of an increase, except as follows:

"(1) Effective from its commencing date, an annuity payable from the fund to an annuitant's survivor (other than a child entitled

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under section 221(c)), which annuity commences the day after annuitant's death and after the effective date of the first increase under this section, shall be increased by the total per centum increase the annuitant was receiving under this section at death.

"(2) For purposes of computing an annuity which commences after the effective date of the first increase under this section to a child under section 221(c), the items $600, $720, $1,800, and $2,160 appearing in section 221(c) shall be increased by the total per centum increase allowed and in force under this section for employee annuities, and, in the case of a deceased annuitant, the items 40 per centum and 50 per centum appearing in section 221(c) shall be increased by the total per centum increase allowed and in force under this section to the annuitant at death.

"(c) The term 'price index' shall mean the Consumer Price Index (all items--United States city average) published monthly by the Bureau of Labor Statistics. The term 'base month' shall mean the month for which the price index showed a per centum rise forming the basis for a cost-of-living annuity increase.

"(d) No increase in annuity provided by this section shall be computed on any additional annuity purchased at retirement by

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voluntary contributions.

"(e) The monthly installment of annuity after adjustment under this section shall be fixed at the nearest dollar, except that such installment shall after adjustment reflect an increase of at least one dollar."

TITLE III - MISCELLANEOUS

SEC. 301. Section 5541(2) of title 5, United States Code, is amended by (1) striking out "or" at the end of paragraph (xii); (2) deleting the period at the end of paragraph (xiii) and inserting ";or"; and (3) adding the following new paragraph: "(xiv) an officer or employee of the Central Intelligence Agency."

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voluntary contributions.

"(e) The monthly installment of annuity after adjustment under this section shall be fixed at the nearest dollar, except that such installment shall after adjustment reflect an increase of at least one dollar."

TITLE III - MISCELLANEOUS

SEC. 301. Section 102(b) of the Federal Employees Pay Act of 1945, as amended (5 U.S.C. 902 (b)), relating to exemption from coverage under the Act, is amended by striking out "and" immediately preceding "(7)" therein and by inserting before the period at the end thereof "; and (8) officers and employees of the Central Intelligence Agency.".

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